

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV15-041 Date Received: 6/30/15
Application Accepted by: SP Fee: \$1600
Comments: Assigned to Eliza Thrush, 645-1341, ecthrush@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 1336 Dennison Avenue Zip: 43201

Is this application being annexed into the City of Columbus? Select one: YES NO

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010-012832

Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): R-4, Residential

Area Commission or Civic Association: University Area Commission

Proposed Use or reason for Council Variance request:
See Exhibit B

Acreage: 0.135 +/- (5,880 sf)

APPLICANT:

Name: Victorian Heritage Homes LLC c/o Donald Plank Phone Number: (614) 947-8600 Ext.: _____

Address: Plank Law Firm, 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

PROPERTY OWNER(S) Check here if listing additional property owners on a separate page

Name: Victorian Heritage Homes LLC c/o Donald Plank Phone Number: (614) 947-8600 Ext.: _____

Address: Plank Law Firm, 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

ATTORNEY / AGENT (Check one if applicable): Attorney Agent

Name: Donald Plank Phone Number: (614) 947-8600 Ext.: _____

Address: Plank Law Firm, 145 E. Rich Street, FL 3 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com Fax Number: (614) 228-1790

SIGNATURES (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Donald Plank attorney

PROPERTY OWNER SIGNATURE Donald Plank attorney

ATTORNEY / AGENT SIGNATURE Donald Plank

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

Exhibit B
Statement of Hardship
CV15- 041
1336 Dennison Avenue Columbus, OH 43201

The property (PID: 010-012832) is located at the northeast corner of Dennison Avenue and Clark Place. The 5,880 SF parcel is zoned R-4, Residential and is developed with two (2) four family dwellings on the same parcel. The buildings and building arrangement pre-date the R-4 zoning (Z79-033) and pre-dates Columbus establishing zoning (1928). The use of the property with two (2) four family dwellings on one parcel is non-conforming and site development doesn't comply with various development standards of the Zoning Code as itemized. Due to the non-conforming use and non-conformity to development standards, applicant seeks to conform the property/buildings in the R-4 district to applicable sections of the Zoning Code. The City of Columbus "Statement of Hardship" form, to which this narrative/explanation is a supplement, is hereby incorporated by reference. Applicant has a hardship and practical difficulty with compliance with the referenced code sections because there is no zoning district to which the property could be rezoned to conform the property to current use and applicable standards, non-compliance is not due to any action of applicant and applicant's lender requires conformance.

Variations are requested as follows:

1. 3312.49, Minimum Number of Parking Spaces Required, to reduce code required parking from 12 spaces (8 DU @ 1.5 spaces) to 0 spaces.
2. 3321.05(B)(2), Vision Clearance, to reduce the 30 foot clear vision triangle at the intersection of Clark Place and Dennison Avenue to 3' x 5'.
3. 3332.039, R-4 Residential District, to permit two (2) four family dwellings on a single parcel.
4. 3332.15, R-4 Area District Requirements, to permit two (2) four family dwellings on one 5,880 SF lot (735 SF lot area/DU) rather than on separate lots of 10,000 SF each with 2,500 SF of lot area per unit (interior lot) or 1,500 SF of lot area per unit (corner lot).
5. 3332.18(C), Basis of Computing Area, to increase permitted lot coverage from 50% to 77%.
6. 3332.21, Building Lines, to reduce building setback lines on Clark Place and Dennison Avenue from a minimum of 10 feet to five (5) feet and six (6) feet, respectively, and to permit air conditioning condensers in the 5' and 6' building setbacks.
7. 3332.25, Maximum Side Yards Required, to reduce the maximum side yard from 12 feet to 3 feet for the Clark Place building and from 16 feet to 5 feet for the Dennison Avenue building.
8. 3332.26, Minimum Side Yard Permitted, to reduce the minimum 5 foot side yard to 0' for the east side yard of the Clark Place building and to 1' for the north side yard of the Dennison Avenue building.
9. 3332.27, Rear Yard, to reduce rear yard from 25% of lot area to 15% of lot area.

10. 3372.542, Maximum Lot Coverage, to increase permitted maximum lot coverage from 25% to 77%.
11. 3372.543, Building Lines, to reduce the Clark Place building line from 16 feet to 5 feet.
12. 3372.544, Maximum Floor Area, to increase the permitted floor area from 0.40 to 1.8.

06-01-2015

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV15-041

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank
of (1) MAILING ADDRESS Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 1336 Dennison Avenue, Columbus, OH 43201

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 6/30/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Victorian Heritage Homes LLC
c/o Donald Plank, Attorney
Plank Law Firm
145 E. Rich Street, FL 3, Columbus, OH 43215

APPLICANT'S NAME AND PHONE #
(same as listed on front application)

Victorian Heritage Homes LLC
c/o Donald Plank (614) 947-8600

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR
OR CONTACT PERSON AND ADDRESS

(5) University Area Commission
c/o Susan Keeny
358 King Avenue
Columbus, OH 43201

and that the attached document (6) is a list of the **names** and **complete mailing addresses**, including **zip codes**, as shown on the **County Auditor's Current Tax List or the County Treasurer's Mailing List**, of all the **owners of record of property within 125 feet** of the exterior boundaries of the property for which the application was filed, **and** all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

(7) Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 1st day of June, in the year 2015

Barbara A. Painter
(8) SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015
My Commission Expires

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

This Affidavit expires six (6) months after the date of notarization.

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
1336 Dennison Avenue
CV15- 041
May 27, 2015

APPLICANT

Victorian Heritage Homes LLC
c/o Donald Plank, Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

PROPERTY OWNER

Victorian Heritage Homes LLC
c/o Donald Plank, Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

ATTORNEY

Donald Plank, Plank Law Firm
145 East Rich Street, FL 3
Columbus, OH 43215

COMMUNITY GROUP:

University Area Commission
c/o Susan Keeny
358 King Avenue
Columbus, OH 43201

PROPERTY OWNERS WITHIN 125 FEET

Bradford J. Blecha, TOD
1321 Dennison Ave.
Columbus, OH 43201

57 Clark LS LLC
1020 Dennison Ave., Ste. 101
Columbus, OH 43201

Citrine Rentals LLC
10 E. 17th Ave.
Columbus, OH 43201

Thirty Plus Holdings LLC
PO Box 437
Granville, OH 43023

Brian E. Higgins
1349 Dennison Ave.
Columbus, OH 43201

OH Victorian Ventures LLC
PO Box 807
Fairfield, FL 32634

Hashem T. Shkoukani
7817 Silver Rose Ct.
Dublin, OH 43016

Barbara E. Gill
1317 ½ Dennison Ave.
Columbus, OH 43201

David Newbauer
Jean A. Krum
365 N. Cassady Ave.
Columbus, OH 43209

Janet A. Radakovich
1345 Dennison Ave.
Columbus, OH 43201

Helen Glover
507 Fairlawn Dr.
Columbus, OH 43214

1336 Dennison Avenue
CV15-____, 5/27/2015
Exhibit A, Public Notice
Page 1 of 2

Ron S. Briggs
47 Welch Avenue
Columbus, OH 43207

Jonah A. White
1333 Dennison Ave.
Columbus, OH 43201

Gilmer Properties LLC
4047 Prince George Ln.
New Albany, OH 43054

Michael Oram
354 W. 6th Ave.
Columbus, OH 43201

Duane W. Fletcher
Laura J. Fletcher
210 Key Blvd.
Pataskala, OH 43062

Columbus Living LLC
41 Pickett Pl.
New Albany, OH 43054

Gogan Group LLC
698 S. Remington Rd.
Columbus, OH 43209

Nickolas J. & Deborah J. Geldis
49 Clark Place
Columbus, OH 43201

Jess J. Demaria
Keith A. Schwierking
5251 Brighton Place
Powell, OH 43065

Kathleen Houston Stokes, Tr.
1042 Neil Ave.
Columbus, OH 43201

Mary M. Moore
888 Mission Hills Ln.
Columbus, OH 43235

Sarah A. Beatty
50 Clark Pl.
Columbus, OH 43201

David B. Parker LE, et al.
1337 Dennison Ave.
Columbus, OH 43201

ALSO NOTIFY:

David B. Perry
David Perry Co., Inc.
145 East Rich Street, FL 3
Columbus, OH 43215

Victorian Heritage Homes LLC
c/o Mr. George Tabit
3443 Agler Road
Columbus, OH 43219

Victorian Heritage Homes LLC
c/o Ms. Lisa Minklei
3443 Agler Road
Columbus, OH 43219

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

PROJECT DISCLOSURE STATEMENT

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION # CV15-041

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, OH 43215
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of business or individual
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

<p>1. Victorian Heritage Homes LLC 3443 Agler Road Columbus, OH 43219 # Columbus based employees: 0 Contact: Lisa Minklei, (614) 545-4878</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 1st day of June, in the year 2015

Barbara A. Painter
SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015
My Commission Expires



Notary Seal Here
BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

This Project Disclosure expires six (6) months after the date of notarization.

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Please make checks payable to the Columbus City Treasurer

Legal Description

CV15 - DA

1336 Dennison Avenue

Situated in the County of Franklin, State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being Lot Number Seventy-Seven (77) and Seventy-Eight (78) of DENNISON PLACE ADDITION as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio, but excepting forty-five (45) feet off of the north end thereof.

CV15-041

TRANSFERRED

DEC 12 2014

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

107

201412120165330
Pgs: 5 \$52.00 T20140085108
12/12/2014 2:57PM BXTALON GROUP
Terry J. Brown
Franklin County Recorder

Conveyance	60
Mandatory	2466
Permissive	2466 60 SK
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR	

Talon Title - W
134389

VICTORIAN HERITAGE
FHA No. 043-35520 (NEW)
FHA No. 043-35236 (OLD)

WARRANTY DEED

Victorian Heritage, Ltd., an Ohio limited partnership (the "Grantor"), in consideration of One Dollar (\$1.00) and other good and valuable consideration paid to it by Victorian Heritage Homes LLC, an Ohio limited liability company (the "Grantee"), whose tax mailing address is 3443 Agler Road, Columbus, OH 43219, does hereby GRANT, BARGAIN AND SELL to the Grantee, its successors and assigns, the following described premises, situated in the City of Columbus, County of Franklin, and State of Ohio and is identified as follows:

(SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.)

Property Addresses:

- Parcel 1: 66-72 Clark Place, Columbus, Ohio 43201
- Parcel 2: 1379 North High Street, Columbus, Ohio 43201
- Parcel 3: 138-166 East Fifth Avenue, Columbus, Ohio 43201
- Parcel 4: 32-34 West King Avenue, Columbus, Ohio 43201

Prior Instrument reference:

- Parcel 1 (66-72 Clark Place, Columbus, Ohio): Official Record Volume 3788, page 787, Franklin County records.
- Parcel 2 (1379 North High Street, Columbus, Ohio): Official Record Volume 3788, page 785, Franklin County records.
- Parcel 3 (138-166 East Fifth Avenue, Columbus, Ohio): Official Record Volume 3788, page 789, Franklin County records.
- Parcel 4 (32-34 West King Avenue, Columbus, Ohio): Official Record Volume 3788, page 786, Franklin County records.

CV15-041

Parcel Numbers:

- Parcel 1 (66-72 Clark Place, Columbus, Ohio): 010-012832-80; 010-012832-90
- Parcel 2 (1379 North High Street, Columbus, Ohio): 010-026539-00
- Parcel 3 (138-166 East Fifth Avenue, Columbus, Ohio): 010-037298-00
- Parcel 4 (32-34 West King Avenue, Columbus, Ohio): 010-055180-00

To have and to hold said premises, with all the privileges and appurtenances thereunto belonging, to said Grantee and its successors and assigns forever.

And the said Grantor for itself and its successors, does hereby covenant with said Grantee and its successors and assigns, that it is lawfully seized of the premises aforesaid and that said premises are free and clear from all encumbrances whatsoever except:

Zoning ordinances, legal highways, covenants, conditions, restrictions and easements of record; Use Agreement for Multifamily Projects Participating in the Mark-to-Market Program under the Multifamily Assisted Housing Reform and Affordability Act of 1997 by and between Victorian Heritage, Ltd. and The Secretary of Housing and Urban Development, Washington, D.C., dated September 21, 2009 and filed for record September 21, 2009 in Instrument 200909210136700, Franklin County records; a Mortgage Restructuring Mortgage from Victorian Heritage, Ltd. to The Secretary of Housing and Urban Development acting by and through the Deputy Assistant Secretary of the Office of Affordable Housing Preservation, having its principal place of business in Washington, D.C., in the amount of \$1,307,515.00, filed for record September 21, 2009 in Instrument Number 200909210136705, Franklin County records; a Mortgage Restructuring Mortgage Regulatory Agreement for Insured Multi-Family Housing Projects between Victorian Heritage, Ltd. and the Secretary of Housing and Urban Development filed for record September 21, 2009 in Instrument Number 200909210136706, Franklin County records; and, a UCC Financing Statement from Victorian Heritage, Ltd., Debtor, to The Secretary of Housing and Urban Development of Washington D.C., Secured Party, filed for record September 21, 2009 in Instrument Number 200909210136707, Franklin County records.

Grantor will forever warrant and defend the same with the appurtenances, to the said Grantee and its successors and assigns, against the lawful claims of all persons whomsoever.

Grantee, by acceptance of the within Deed, agrees to pay those mortgages referenced herein to the full and same effect as if the Grantee had been the original payor on the underlying note secured by such mortgages. Grantee further agrees to be bound by the terms and conditions of the Mortgage Restructuring Regulatory Agreement and Use Agreement all as reflected herein.

[Remainder of page intentionally left blank.]

EXHIBIT "A"
(Victorian Heritage)

Parcel 1:

Situated in the County of Franklin, State of Ohio, and in the City of Columbus, and bounded and described as follows:

Being Lot Number Seventy-Seven (77) and Seventy-Eight (78) of DENNISON PLACE ADDITION as the same are numbered and delineated upon the recorded plat thereof of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio, but excepting forty-five (45) feet off of the north end thereof.

Property Address: 66-72 Clark Place, Columbus, Ohio 43201

A-3B
Ac of
(010)
12832

Parcel 2:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being Lots Number Two (2) and Three (3) of ELIZABETH J. MC MILLEN'S SUBDIVISION (also sometimes referred to as E. J. and W. J. McMillen's Subdivision), as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Property Address: 1379 North High Street, Columbus, Ohio 43201

A-3B
Ac of
(010) 24539

Parcel 3:

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus:

Being Lots Numbered Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36), RIDDLE'S SECOND SUBDIVISION of Lots Numbered One (1), Nineteen (19), Twenty (20) and Twenty-one (21) of John Hyer's Amended Subdivision of Lot Number Six (6) of Stevenson Heir's Subdivision of the Fourth Quarter of Township Number 1, Range 18, U.S. Military Lands, as said lots are numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book 7, page 164, Recorder's Office, Franklin County, Ohio, EXCEPT .85 feet off the West Side of said Lot Number Thirty (30).

Property Address: 138-166 East Fifth Avenue, Columbus, Ohio 43201

C-40
Ac of
(010)
37298

CVIS-041

Parcel 4:

Situated in the County of Franklin in the State of Ohio and in the City of Columbus:

Being Lot Number Six (6) and Seven (7) feet off the East side of Lot Number (7), of Elizabeth J. McMillen's First Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 3, page 29, Recorder's Office, Franklin County, Ohio.

Property Address: 32-34 West King Avenue, Columbus, Ohio 43201

A-38
AMOF
(010)
55180

DESCRIPTION VERIFIED
DEAN C. RINGLE, P.E., P.S.
BY: <i>JVS</i>
DATE: <i>12/12/14</i>





City of Columbus Zoning Plat



W15-041

ZONING NUMBER

The Zoning Number Contained on This Form
is Herein Certified to Obtain Zoning, Rezoning,
and Variances, and is NOT to be Used for
the Securing of Building & Utility Permits

Parcel ID: 010012832

Zoning Number: 1336

Street Name: DENNISON AVE

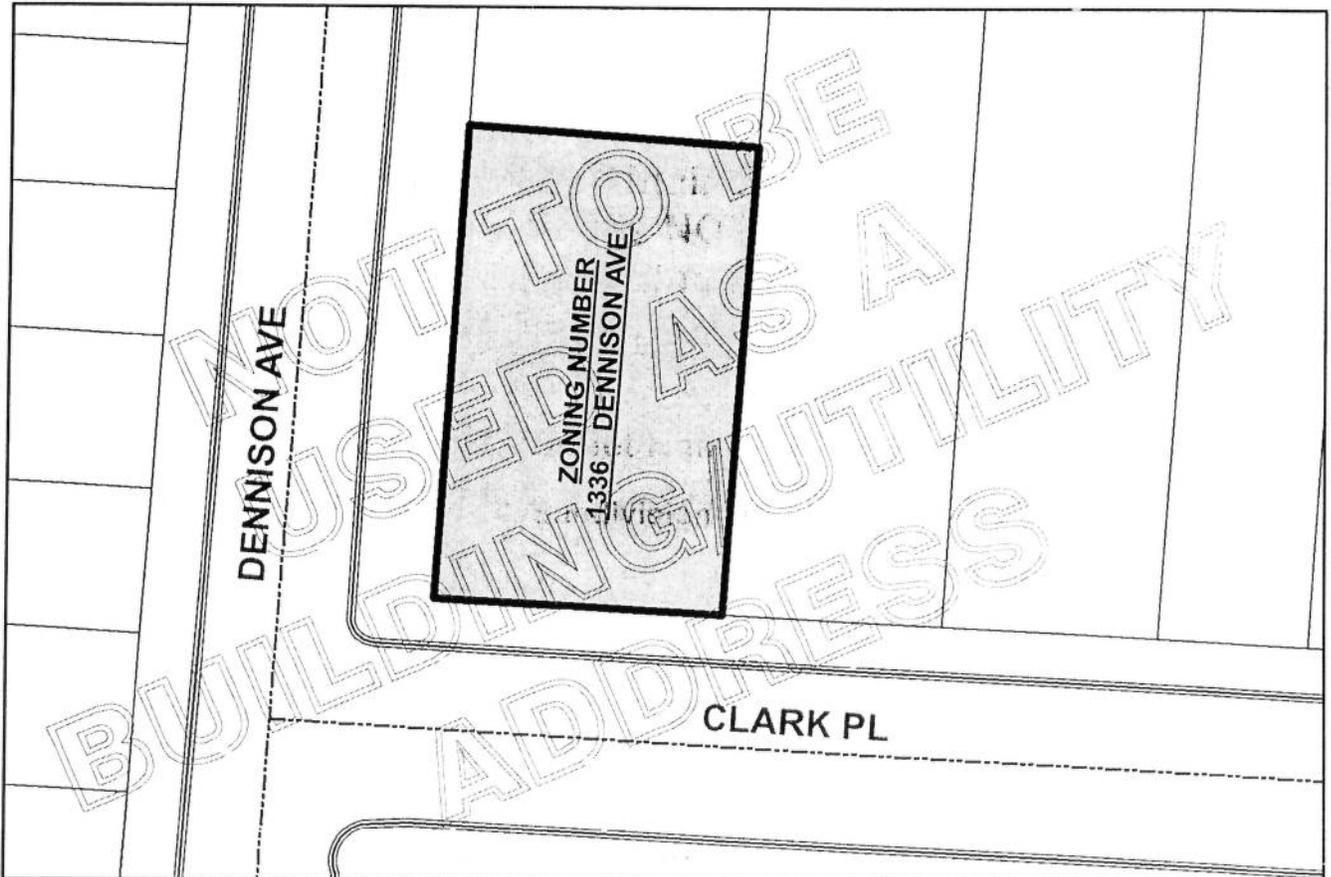
Lot Number : 77-78

Subdivision: DENNISON PL. ADD

Requested By: DAVE PERRY COMPANY, INC. (DAVE PERRY)

Issued By: *Edyona Williams*

Date: 5/28/2015



SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 34997

JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO



CV15-041



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 5/22/15



Disclaimer

Scale = 80

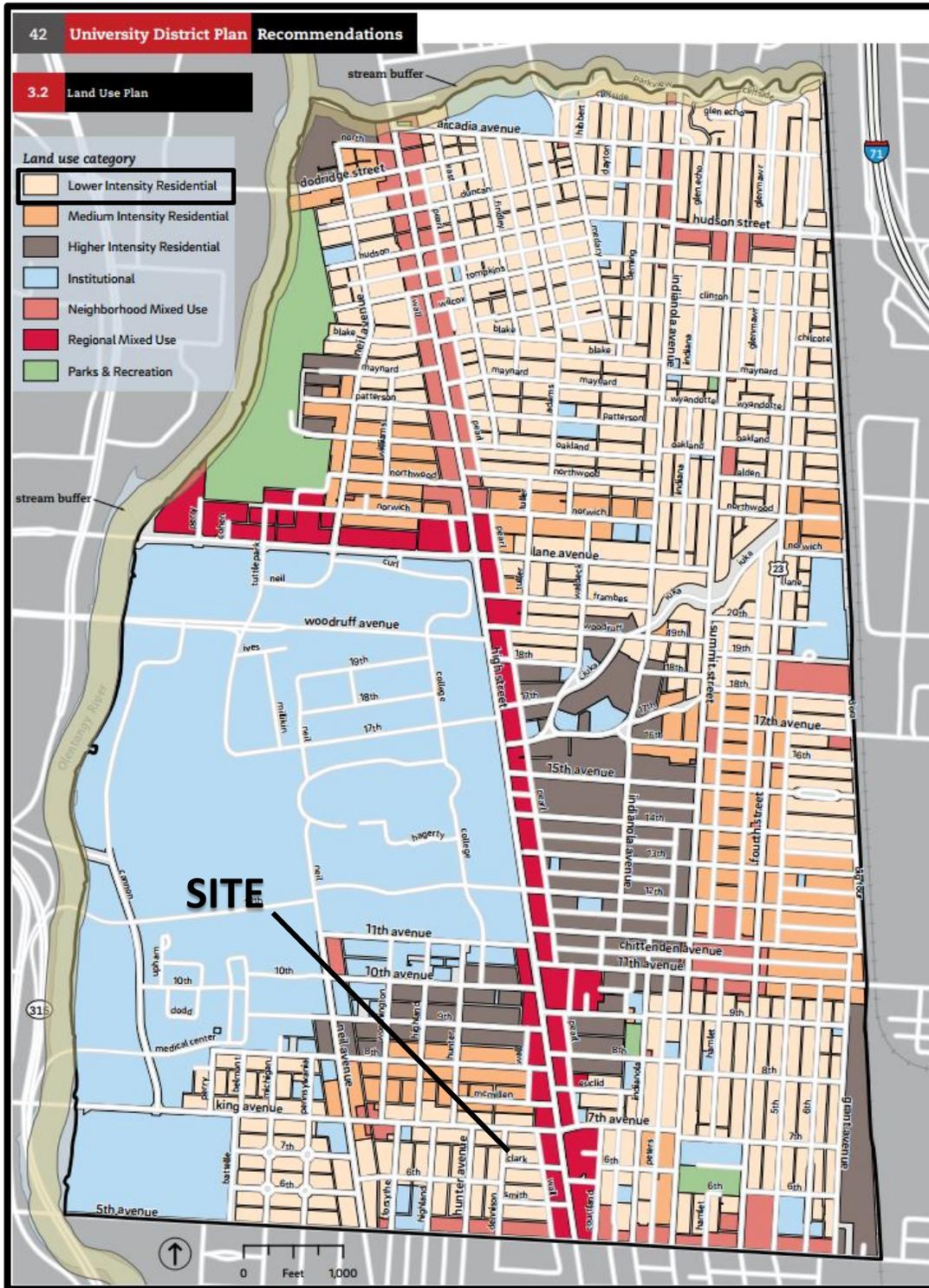


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department



CV15-041
1336 Dennison Avenue
Approximately 0.14 acres



CV15-041
 1336 Dennison Avenue
 Approximately 0.14 acres
 University District Plan (2015)



CV15-041
1336 Dennison Avenue
Approximately 0.14 acres